

Section 5. The fact that the above and foregoing is one of the regular appropriation bills to pay the salaries of employees, and to pay other expenses of maintaining and conducting certain eleemosynary institutions and other State agencies of the State for the two (2) fiscal years beginning September 1, 1941, and ending August 31, 1943, creates an emergency and an imperative public necessity, requiring the Constitutional Rule that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

## R E C A P I T U L A T I O N

	For the Years Ending	
	August 31, 1942	August 31, 1943
Alabama and Coushatti Indian Agency, Livingston .....	\$ 25,260.00	\$ 17,660.00
Austin State School .....	488,911.00	428,771.00
Austin State School Farm Colony .....	202,153.00	190,573.00
Abilene State Hospital .....	416,260.00	350,240.00
Austin State Hospital .....	753,950.00	673,600.00
Big Spring State Hospital .....	711,322.00	447,472.00
Galveston State Psychopathic Hospital .....	136,023.00	136,023.00
Rusk State Hospital .....	859,339.00	551,539.00
San Antonio State Hospital .....	691,108.00	758,508.00
Terrell State Hospital .....	1,031,142.00	1,027,742.00
Wichita Falls State Hospital .....	875,835.00	598,123.00
Texas Confederate Home .....	16,906.00	14,906.00
Confederate Woman's Home .....	53,436.00	53,436.00
Deaf, Dumb, and Blind Institute for Colored Youths, Austin .....	91,758.00	86,758.00
State Colored Orphan's Home, Gilmer .....	30,826.00	30,826.00
State Orphans Home, Corsicana .....	206,694.00	206,694.00
Waco State Home .....	136,110.00	139,110.00
Texas School for the Blind, Austin .....	125,214.00	175,565.00
Texas School for the Deaf, Austin .....	214,957.00	214,957.00
Gainesville State School for Girls .....	91,155.00	155,755.00
John Sealy College of Nursing .....	25,000.00	25,000.00
State Hospital for Crippled and Deformed Children .....	118,370.00	118,370.00
Gatesville State School for Boys .....	215,089.00	179,089.00
State Tuberculosis Sanatorium .....	739,685.00	502,611.00
Kerrville State Sanatorium .....	137,254.00	91,724.00
Institutional Supervisional Division .....	14,600.00	14,600.00
GRAND TOTALS .....	\$ 8,408,357.00	\$ 7,187,652.00
COMBINED GRAND TOTAL FOR BIENNIUM .....	\$15,598,009.00	

## Adjournment

On motion of Senator Lanning, the Senate, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, May 26, 1941.

## SIXTY-NINTH DAY

(Monday, May 26, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Lemens
Brownlee	Lovelady
Chadick	Martin
Cotten	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith
Kelley	Stone
Lanning	Sulak

Van Zandt      Winfield  
Vick              York  
Weinert

Absent—Excused

Beck              Spears

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of the Sixty-eighth Legislative day was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Beck was granted leave of absence for today on account of important business, on motion of Senator Winfield.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

#### Senate Bill 484 on First Reading

Senator Winfield moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Beck              Spears

The following bill then was introduced, read first time and referred to the Committee on Banks and Banking:

By Senator Winfield:

S. B. No. 484, A bill to be entitled "An Act to provide for agreements between the housing authority of any

city in the State and the United States of America relative to housing persons engaged in national defense; validating agreements heretofore entered into; and declaring an emergency."

#### Senate Bill 485 on First Reading

The following bill, submitted as an emergency matter by the Governor, was introduced, read first time and referred to the Committee on State Affairs:

By Senators Lovelady and Isbell:

S. B. No. 485, A bill to be entitled "An Act to prevent and prohibit the sale, barter or exchange of spirituous, vinous, and malt liquors, or medicated bitters capable of producing intoxication, within ten miles of any fort, arsenal, training camp, cantonment, aviation field or school where soldiers, sailors, marines or aviators, or other persons connected with National Defense, are being quartered, held or trained, or where ships or tanks or airplanes, or any parts thereof or therefor, or any other military facilities or supplies whatever, are being built under contract with the Government of the United States, in or for any branch of the Army or Navy of the United States; to prevent and prohibit the transportation of such liquors into such territory; to provide against application for suspended sentence in such cases; to prohibit the issuance of liquor licenses in such territory; authorizing and empowering the Attorney General to enjoin the sale of liquors prohibited by this Act, or any conduct in violation of said Act, and authorizing the District or County Attorney of the county where the violations occur to maintain suit in the name of the State to enjoin and prevent the sale of such liquors or the violations of this Act; to provide suitable punishment in such cases; and declaring an emergency."

#### Senate Bill 486 on First Reading

Senator Kelley moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Chadick
Brownlee	Cotten

Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

## Absent—Excused

Beck

Spears

The following bill then was introduced, read first time and referred to the Committee on Education:

By Senator Kelley:

S. B. No. 486, A bill to be entitled "An Act amending Section 1, of Chapter 196, General Laws, 43rd Legislature, Regular Session, by adding thereto a subsection to follow subsection (5), and to be known as subsection (6), providing that Federal employees stationed within this State by assignment to duty, shall be permitted to enroll their children in State institutions of higher learning at the rate of tuition provided for residents of the State, without regard to the length of time said Federal employees have been stationed within the State; and declaring an emergency."

## Resolution Signed

The President signed in the presence of the Senate, after its caption had been read, the following enrolled resolution:

H. C. R. No. 152, Suspending the Constitutional Rule on H. B. No. 76 [to provide that the bill shall become effective immediately].

## Senate Concurrent Resolution 66

Senator Moffett offered the following resolution:

S. C. R. No. 66, Relating to a well considered plan for providing additional space, in keeping with the actual needs of state departments.

Whereas, When the present Capitol Building was erected, the population of the State was barely one-fourth of its present population; and

Whereas, There is reasonable expectation of further continued growth in the population of Texas; and

Whereas, In recent years the State Government has been required by public opinion, and by the adoption of Constitutional Amendments, to engage in many new functions and activities that were not contemplated when the present Capitol Building was erected, such as Unemployment Compensation, Social Security, expanded agricultural, military, educational, health, and highway facilities, regulation of utilities, the transportation industry, the petroleum industry, and various other well organized and essential regulatory functions; and

Whereas, These additional activities of the State Government have separately and collectively called for a very greatly expanded need for well arranged office space and office buildings in which to house the various State Departments; and

Whereas, Said expansion will probably continue, in keeping with the increase in the State's population, and the increase in the demands of the public for additional services from the Government; and

Whereas, At the present time, a considerable portion of the State's employees and valuable records are being taken care of in widely separated offices in various parts of the Capitol City, thus tending to lower the efficiency of the State Government, and, at the same time, considerably adding to the inconvenience of the people who have occasion to deal with the various departments; and

Whereas, It has thus developed that it may become necessary to acquire additional grounds near the present Capitol Building, upon which to construct suitable fireproof office buildings, and provide appropriate space for parking, and other means of ingress and egress to said buildings, and to the State Capitol; and

Whereas, The same should be accomplished and brought about through a well considered plan, whereby the maximum efficiency in the State Departments may be maintained at the least expense; therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That in order to accomplish the above mentioned desirable purposes, that the Lieutenant-Governor shall appoint from the membership of the Senate three (3) disinterested, competent members of the Senate, and

that the Speaker of the House of Representatives shall appoint three (3) disinterested, competent members of the House of Representatives, said members collectively to be known as the Capitol Planning Commission, and that said Commission is hereby instructed to make a complete survey of the needs of the State, and of the availability of property which may become useful to the State, and that said Commission be instructed to make a report, either to a Special Session of the Forty-seventh Legislature, if one be called, or to the Regular Session of the Forty-eighth Legislature, with suitable recommendations; and be it further

Resolved, That said Commission consult competent authorities and technical advisers before making up its report, in order that same may be based on competent and qualified technical information.

The resolution was read.

On motion of Senator Moffett and by unanimous consent, the resolution was considered immediately.

The resolution was adopted.

#### Senate Concurrent Resolution 67

Senator Lemens offered the following resolution:

S. C. R. No. 67, Granting certain district judges leave of absence from the State.

Whereas, Honorable J. D. Stephenson, Judge of the 66th Judicial District Court of Texas, Honorable O. B. McPherson, Judge of the 18th Judicial District Court of Texas, and Honorable A. R. Stout, Judge of the 40th Judicial District Court of Texas, desire to leave the State some time during the years 1941 and 1942 on personal business and to take a vacation; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Honorable J. D. Stephenson, Judge of the 66th Judicial District Court of Texas, Honorable O. B. McPherson, Judge of the 18th Judicial District Court of Texas, and Honorable A. R. Stout, Judge of the 40th Judicial District Court of Texas, be and they are hereby granted permission to be absent from the State of Texas at such intervals and for such time as they may see fit and proper during the years 1941 and 1942, taking into consideration

the condition of the docket of said Courts.

The resolution was read, and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Resolution 148

Senator Hazlewood offered the following resolution:

S. R. No. 148, Relating to right of eminent domain for gas pipe lines.

Whereas, there is now pending in the Congress of the United States H. R. No. 4816, the purpose of which is to give the right of eminent domain to interstate oil pipelines; and

Whereas, the citizens of the State of Texas are interested in the same right being given to interstate gas pipelines which afford a market for Texas gas, which is an essential fuel in defense industries; therefore, be it

Resolved, by the Senate of the State of Texas, That the Congress of the United States be requested to amend said H. R. No. 4816 so that it will include gas pipelines and give said pipelines the right of eminent domain in the event said act is finally passed; and be it further

Resolved, That the Secretary of the Senate of Texas be instructed to forward copies of this resolution to each member of Congress from Texas and to the Secretary of the Senate and House of Representatives of the United States.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

#### Message from the House

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 7, A bill to be entitled "An Act to aid the City of Port Lavaca in constructing and maintaining revetments, and in the restoring, protection and improvement

of the harbor and bay shore front of the City of Port Lavaca, and for the purchase, by condemnation or otherwise, of all lands necessary for said bay shore front and harbor improvements, all for public use, by donating to said City of Port Lavaca the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Calhoun County, State of Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misappropriation of funds raised therefor, and to declare an emergency."

H. B. No. 361, A bill to be entitled "An Act declaring the floods of Lavaca County, Texas, to be a public calamity; authorizing a donation and grant to Lavaca County Flood Control District of one-half of the State ad valorem taxes collected in Lavaca County for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the Assessor and Collector of Texas; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing the procedure hereunder for all matters relating to said donation; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected, and declaring an emergency."

H. B. No. 376, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain independent school districts and a common school district; and declaring an emergency."

H. B. No. 1042, A bill to be entitled "An Act relinquishing to the City of Port Arthur, Texas, all right, title and interest of the State of Texas in and to certain land described in H. B. No. 819, 42nd Legislature, approved May 18th, 1931, amending Section 2 of H. B. No. 819; and declaring an emergency."

H. B. No. 1043, A bill to be entitled "An Act granting to the City of Port Arthur, Texas, all right, title and interest of the State of Texas to certain land within said City, and lying adjacent to the Sabine-Neches

Canal, and lying between said Canal and Sabine Lake, and commonly known as the Canal Spoil Bank, and granting the said City of Port Arthur right, power and authority to locate, construct, own, lease, sell and maintain upon such land facilities for airports and other improvements, and granting the said city the right and authority to lease or sell such land and to issue franchises to others covering privileges accorded to the City of Port Arthur, and reserving all mineral rights to the State; and declaring an emergency."

H. C. R. No. 164, Granting permission to the District Judges to be absent from the State of Texas at such intervals and for such time as they may see fit and proper during the years 1941 and 1942, taking into consideration the condition of the dockets of said Courts.

H. C. R. No. 171, Opposing further transfer of tankers for the purpose of carrying oil and its products to the North Atlantic ports for the British.

The House passed H. B. No. 518, notwithstanding the veto of the Governor, by a vote of 82 "ayes," 26 "nays" (bill attached).

The House has refused to concur in Senate amendments to H. B. No. 1052 and requests the appointment of a Conference Committee. The following have been appointed on the part of the House: Chambers, Deen, Murray, Howington, and Burkett.

The House has concurred in Senate amendment to H. B. No. 136 by a vote of 66 Yeas 36 Noes.

The House has appointed as a conferee on H. B. No. 238 in place of Mr. Kersey, resigned: Mr. Burnaman.

The House has concurred in Senate amendments to H. B. No. 922 by a vote of 112 Yeas 0 Noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Senate Resolution 149

Senator Lemens offered the following resolution:

S. R. No. 149, Designating "I Am An American Day" poem.

Whereas, Robert Moore, Jr., of Brownwood, Texas, has composed a poem entitled "I Am An American"; and

Whereas, Such poem has received nationwide acclaim as expressing the

spirit of "I Am An American Day"; and

Whereas, Said poem has been used by Major-General Claude V. Birkhead, by Governor W. Lee O'Daniel, by Mr. Hal H. Collins, and by numerous others on patriotic radio programs; and

Whereas, This poem has been complimented by the President of the United States; and

Whereas, The poem reads as follows:

#### I AM AN AMERICAN

I bow on my knees before no man,  
Nor take orders at a tyrant's command.

I live in a land of democracy,  
And not in the throes of autocracy!  
I am an American!

I worship God as my choice may be,  
And truthful news is free to me.

All radio programs it is my right  
to hear,  
And trial by jury I hold most dear!  
I am an American!

I train for games and not for war,  
My home, the bombs shall never mar.  
I live not in terror nor fear for my  
life,

Not in a land torn by dissension and  
strife!  
I am an American!

I live in a land respected by all,  
Where beauty and truth shall never  
fall.

Love is our watchword and peace  
is the cry,  
Where the Stars and Stripes forever  
fly high!  
I am an American!

now, therefore be it

Resolved, That the above poem, entitled "I Am An American," is hereby designated and proclaimed to be the official Texas "I Am An American Day" poem; and, be it further

Resolved, That the Senate of Texas express its appreciation to Mr. Robert Moore, Jr., for this great contribution.

LEMENS.

METCALFE.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

#### Senate Resolution 150

Senator Moore offered the following resolution:

Whereas, Honorable Paul D. Page, Jr., of Washington, D. C., is at the

Bar of the Senate; now, therefore, be it

Resolved by the Senate of Texas, That he be accorded the privileges of the floor for today.

By unanimous consent, the resolution was considered and adopted at this time.

#### Messages from the Governor

The President laid before the Senate and had read the following messages from the Governor:

Austin, Texas,  
May 26, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Chairman of the Texas Liquor Control Board, term to expire November 15, 1945:

Mrs. Claude D. Van Watts of Austin, Travis County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
May 26, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a Member of the Game, Fish and Oyster Commission, term to expire September 1, 1945:

Edwin C. Lacy of Longview, Gregg County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

The messages were referred to the Committee on Nominations of the Governor.

#### Message from the Governor Relating to State Audit and Budget System

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,  
May 26, 1941.

To the Members of the Forty-seventh Legislature:

Our present system of auditing and budgeting for the State of Texas, in

my opinion, is about the poorest system that could ever have been devised. No business organization could remain successful many months if it were operated under our present system. I have explained this system to the citizens of Texas, and they were astonished to find out the kind of system we have, and they are insistent that it be changed.

I recommended to the Forty-sixth Legislature that the system be changed, but my recommendations were not followed. I again recommended to this Forty-seventh Legislature that a business system be installed, and an attempt has been made to correct and improve our present system but unless some definite action is taken by this Legislature today or tomorrow, regarding a budget director and efficiency expert, I shall be forced to veto the Auditor's bill, S. B. No. 20, and our whole system will continue under its slipshod methods for another two years.

Under this present system the Governor appoints the members for the numerous large spending departments of this government and then the Governor appoints an Auditor to audit his own appointees. That is a ridiculous system. I do not believe any sane person in Texas would buy a store and hire a manager, and then let the manager appoint his own auditor to audit himself. The appropriations for all of these departments are made by the Legislature and the Legislature should by all means appoint the auditor to audit every department in this Texas State Government to make sure that the money appropriated was spent in exact accordance with the appropriation. There is no connecting link between the different Legislatures which meet every two years. One Legislature makes the appropriations for the ensuing two years, and the next Legislature pays no attention to whether or not the money appropriated by the previous Legislature was spent in accordance with the terms of the previous appropriations.

There should be an auditor appointed by the Legislature to continue on the job every day in the year and report to each succeeding Legislature when it convenes just what has happened with all the money appropriated by the previous Legislature.

The Governor is charged with the duty of making up the budget for two years in advance and presenting his

budget recommendations to the Legislature when it convenes. Under our present system the work of getting up this budget for the Governor is done by the Board of Control, the members of which have been appointed by the previous Governor and in addition to this, it is most ridiculous to have the Board of Control make up the budget for all departments, including their own department, when their own department spends more money than any other State department. In other words, the Board of Control makes up its own budget.

The Board of Control has no personnel nor facilities for properly making up a budget for an institution as large as the State of Texas; consequently, it is forced to resort to slipshod and unbusinesslike methods. The method employed simply means that the head of each department submits to the Board of Control a list of the appropriations they want and the Board of Control by "rule of thumb" changes these to suit their whims and fancies, and prints them in a budget book and submits the whole thing in this clumsy manner to the Legislature. Then the Finance Committee of each branch of the Legislature holds hearings and without much authoritative information dickers with the members of the various departments, and thus there is more opportunity for horse trading all along the line.

This State should have a budget director appointed by the Governor and confirmed by two-thirds of the members of the Senate and this budget director should have a staff of competent and experienced auditors, and efficiency experts, to go into every department and analyze their conditions and needs, and, based on actual knowledge and facts and figures, be able to give the Governor reliable information on which the Governor could formulate a budget along business lines. If this system were established it is my opinion that it would develop into a department in which everybody concerned would have much confidence, and it would return good dividends to the taxpayers of this State in the way of efficiency and economy.

One of the most perplexing things regarding the non-passage, to date, of the budget director bill, is the fact that I have never yet been able to find one member in either branch of

the Legislature, who is opposed to this bill. Yet, through some manner, the bill has never yet been passed. I am inclined to believe that there must be some members who do not understand the inefficiency of our present system and the necessity for a more improved and modern system, and for that reason, I am addressing this message to you. In my opinion, it would make matters considerably worse than they are, to enact only one-half of this needed legislation, but, tomorrow, Tuesday, May 27th, is the last day I can hold S. B. No. 20, without its becoming a law, and, unless the budget director's bill is enacted by that time, I shall be forced to veto S. B. No. 20. I do not want this message to be construed in any manner as a threat. On the other hand, I want it to be construed exactly as I mean it,—an earnest effort to improve the auditing and budgeting system of this State of Texas for the benefit of the taxpayers and I sincerely trust that a strong effort will be made to get the budget director's bill enacted and delivered to me for signature today or tomorrow.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

#### Senate Bill 268 Set as a Special Order

Senator Brownlee moved that S. B. No. 268 be set as a special order for tomorrow immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—23

Brownlee	Martin
Chadick	Moffett
Cotten	Moore
Fain	Smith
Formby	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Nays—5

Aikin	Metcalf
Graves	Shivers
Mauritz	

Absent

Ramsey

Absent—Excused

Beck

Spears

#### Conference Committee on House Bill 1052

Senator Metcalfe called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 1052.

Senator Metcalfe moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Metcalfe, Lanning, Mauritz, Hazlewood and Formby.

#### House Bills on First Reading

The following bills previously received from the House were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 7, to Committee on State Affairs.

H. B. No. 1043, to Committee on State Affairs.

H. B. No. 1042, to Committee on State Affairs.

H. B. No. 376, to Committee on Finance.

#### Reference of House Concurrent Resolutions

H. C. R. No. 150, previously received from the House, was laid before the Senate, read by the Secretary and referred by the President to the Committee on Public Buildings and Grounds.

H. C. R. Nos. 116, 117, 124, 128, 130, 133, 135 and 155, previously received from the House, were read severally and referred to the Committee on State Affairs.

#### Conference Committee on House Bill 360

Senator Hazlewood called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 360.

Senator Hazlewood moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on



the bill on the part of the Senate: Senators Hazlewood, Winfield, Martin, Formby and Metcalfe.

### Message from the House

A Clerk of the House was announced and was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 470. The following are conferees on the part of the House: Morris, Bell, Cato, Brown and Skiles.

The House has adopted the Conference Committee report on H. B. No. 29 by a vote of 104 ayes, 13 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

### House Bill 518 Passed Over Veto of Governor

Senator Brownlee called for the consideration at this time of H. B. No. 518, the bill having heretofore been vetoed by the Governor and having been passed by the House notwithstanding the objections of the Governor thereto.

The President laid the bill, with the objections of the Governor thereto before the Senate.

Senator Brownlee moved that the Senate reconsider the bill and that it be passed notwithstanding the objections of the Governor.

The motion prevailed by the following vote:

Yeas—26

Brownlee	Lemens
Chadick	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalfe
Graves	Moffett
Hazlewood	Moore
Hill	Ramsey
Isbell	Shivers
Kelley	Smith
Lanning	Stone

Sulak	Weinert
Van Zandt	York

Nays—3

Aikin	Winfield
Vick	

Absent—Excused

Beck	Spears
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### Report of Conference Committee on House Bill 1052

Senator Metcalfe submitted the following report of the Conference Committee on H. B. No. 1052:

Austin, Texas,  
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate,

Hon. Homer Leonard, Speaker of the House of Representatives.

Gentlemen:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House on H. B. No. 1052, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said H. B. No. 1052 be adopted in the form hereto attached.

Respectfully submitted,

METCALFE,  
HAZLEWOOD,  
MAURITZ,  
FORMBY,  
LANNING,

On the part of the Senate;

CHAMBERS,  
DEEN,  
HOWINGTON,  
MURRAY,  
BURKETT,

On the part of the House.

C.S.H.B. No. 1052, A bill to be entitled "An Act applicable to water improvement districts deriving their powers from Article XVI, Section 59, Constitution of Texas, in which there may be located a United States military camp or base; defining the word 'district'; authorizing such districts to issue negotiable revenue bonds in an amount not to exceed One Hundred Thousand (\$100,000) Dollars par value without the necessity of an election to provide funds for constructing or otherwise acquiring filtration and pumping equipment, pipe lines, and

all other facilities for supplying water to military camps or bases; and authorizing such districts so desiring to issue any bonds for the purposes enumerated in this Act in an amount in excess of One Hundred Thousand (\$100,000) Dollars only after submitting such proposition to an election under the provisions of the general law governing same; providing that such bonds shall bear not more than four (4%) per cent interest and providing that the date of maturity shall not exceed five (5) years from the date of their issuance; prescribing the method of securing such revenue bonds; requiring approval of such revenue bonds by the Attorney General, and prescribing the effect thereof; providing that the authority herein conferred shall be cumulative of that conferred by other laws and that in the event of conflict between this and other laws, the provisions of this law shall prevail; providing that any contract made under authority of this Act shall be made only after advertising for bids for such time as the board of directors of such district may determine; and providing that in any event advertisement for bids shall be made in a newspaper of general circulation in such district one time not less than ten (10) days before awarding or making such contract; providing that the holder of any bonds issued under authority of this Act shall never have the right to have same paid, in whole or in part, out of funds derived from taxation on any of the properties within any such district; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. This Act shall be applicable to water improvement districts deriving their powers from Article XVI, Section 59, of the Constitution of Texas, in which there may be located in whole or in part, any United States military camp or base. The word "District" as hereinafter used means any district to which this Act is applicable.

Sec. 2. All such districts are hereby authorized to issue negotiable revenue bonds in an amount not to exceed One Hundred Thousand (\$100,000.00) Dollars par value, without the necessity of an election, for the purpose of providing funds for constructing or otherwise acquiring filtration and pumping equip-

ment, pipe lines, and all other facilities for supplying water to military camps or bases. It is further provided, however, that in the event such districts may desire to issue any bonds for the purposes enumerated herein, in the amount in excess of One Hundred Thousand (\$100,000.00) Dollars par value, they shall be authorized to do so only after submitting such proposition to an election under the provisions of the general law governing same, and having such proposition approved at such election.

Sec. 3. Such bonds shall bear not more than four (4%) per cent interest, and shall mature in not to exceed five (5) years from the date of issuance.

Sec. 4. Said revenue bonds may be secured by all or any part of the net revenues to be received from a contract entered into or to be entered into between the districts and the United States Government for sale of water to the United States Government for use at military camps or bases, and all renewals, extensions and substitutions thereof. Said bonds may be secured additionally by a deed of trust lien upon the equipment and other facilities and properties to be constructed or otherwise acquired with funds derived from the sale of the bonds.

Sec. 5. After such bonds shall have been authorized and executed, and before issuance thereof, said bonds, the resolution of the board of directors of the district directing their issuance, and other certificates and records pertaining to their issuance, shall be submitted to the Attorney General of Texas for his examination. If such bonds have been issued in accordance with this Act and the Constitution, the Attorney General shall issue his opinion approving them, and they shall be registered in the office of the Comptroller of Public Accounts. Such bonds, having been approved by the Attorney General and registered in the Comptroller's office, shall be held in every action, suit or proceeding in which their validity is or may be brought into question, valid and binding obligations. In every action brought to enforce collection of such bonds or any rights incident thereto, the certificate of approval by the Attorney General, or a duly certified copy of said certificate, shall be ad-

mitted and received in evidence of its validity. The only defense which can be offered against the validity of such bonds shall be forgery or fraud.

Sec. 6. The authority herein conferred shall be cumulative of that conferred by other laws. In event of conflict between this law and other laws, the provisions of this law shall prevail.

Sec. 7. Any contract for the construction or otherwise acquiring of filtration and pumping equipment, pipe lines or other facilities which supply water to military camps or bases made under authority of this Act, may be made only after advertising for bids for such time as the board of directors of any such district may determine; provided that in any case such advertisement for bids shall be published in some newspaper of general circulation in such district for at least one time not less than ten (10) days before awarding and making any such contract.

Sec. 8. The holder of any bonds issued under authority of this Act shall never have the right to have same paid, in whole or in part, out of funds derived from taxation on any of the properties within any such district.

Sec. 9. The fact that the United States Government is establishing military camps and bases at various places in the State of Texas, and is demanding filtered or treated water for use therein, and the fact that it is necessary to provide facilities speedily for supplying filtered or treated water to such camps and bases, and that water improvement districts are in immediate need of the authority conferred by this law to enable them to make provision to supply water to such military camps and bases, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be and such rule is hereby suspended, and this Act shall take effect immediately from the date of its passage, and it is so enacted.

Senator Metcalfe moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—28

Aikin	Chadick
Brownlee	Cotten

Fain	Metcalfe
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent

Vick

Absent—Excused

Beck

Spears

#### Reports of Standing Committees

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 417, A bill to be entitled "An Act amending Article 190a Revised Civil Statutes of Texas of 1925 by adding Childress County to the list of Counties named therein; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 956, A bill to be entitled "An Act amending Chapter 7, Title 93, of the Revised Civil Statutes of Texas, 1925, as amended, by adding a new Article to be numbered Article 5708a, providing for the appointment of county sealers and deputy county sealers of weights and measures, at the discretion of the commissioners' court, in any county having a population of not less than sixty-nine thousand, four hundred (69,400) and not

more than seventy thousand (70,000), according to the last or any succeeding United States Census; providing that the salaries for such county sealers and deputy sealers shall be set by the commissioners' court and not to be less than Fifteen Hundred (\$1,500) Dollars a year; providing that no fee shall be charged by such sealers or by the county; defining the authority, duties, and responsibilities of such county sealers and deputies; providing that two (2) or more counties, or a county and a city situated therein, may combine the whole or any part of their district, for the purpose of appointing one sealer, upon the written consent of the Commissioner of Agriculture; and declaring an emergency."

Have had the same under consideration, and we desire to report same back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Kelley, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 486, A bill to be entitled "An Act amending Section 1, of Chapter 196, General Laws, Forty-third Legislature, Regular Session, by adding thereto a sub-section to follow sub-section (5), and to be known as sub-section (6), providing that Federal employees stationed within this State by assignment to duty, shall be permitted to enroll their children in State institutions of higher learning etc.; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

#### Senate Bill 479 on Second Reading

On motion of Senator Moore and by unanimous consent the regular order of business was suspended, to permit consideration of S. B. No. 479 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 479, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding revenue bonds to take up outstanding revenue bonds issued for the purpose of constructing Exposition and Convention Halls or Coliseums; prescribing the method of issuing and securing such bonds; prescribing the duties of cities and of the officials of cities issuing such refunding bonds; requiring the approval and prescribing the effect of approval of such bonds by the Attorney General; providing for the registration and delivery of such bonds; enacting other provisions relating to the subject and relating to the issuance and security of such bonds; making this Act cumulative of other laws general or special, but providing that it shall take precedence over other laws or charter provisions in conflict or inconsistent herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 479 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 479 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas--29

Aikin	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent--Excused

Beck                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Beck Spears

#### Senate Bill 487 on First Reading

Senator Van Zandt moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Beck Spears

The following bill then was introduced, read first time and referred to the Committee on Finance:

By Senator Van Zandt:

S. B. No. 487, A bill to be entitled "An Act to amend Section 40 of S. B. No. 36, Acts of the Forty-sixth Legislature, to provide the effective date for making grants of aid and assistance to the needy blind and for desti-

tute dependent children; making an appropriation for providing and administering aid to the blind for the period from May 1, 1941 to August 31, 1941; making an appropriation for providing and administering aid and assistance for destitute dependent children for the period from May 1, 1941, to August 31, 1941; and declaring an emergency."

#### Motion to Reconsider Vote Setting Senate Bill 268 as Special Order

Senator Moore moved to reconsider the vote by which S. B. No. 268 was set for a special order for tomorrow.

The motion was lost by the following vote:

Yeas—7

Aikin	Moffett
Graves	Moore
Mauritz	Shivers
Metcalf	

Nays—22

Brownlee	Lovelady
Chadick	Martin
Cotten	Ramsey
Fain	Smith
Formby	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York

Absent—Excused

Beck Spears

#### Report of Conference Committee on House Bill 73

Senator Moore submitted the following report of the Conference Committee on H. B. No. 73:

Conference Committee Room,  
Austin, Texas,  
May 21, 1941.

Hon. Coke R. Stevenson, President of the Senate,

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on H. B. No. 73, have met and beg leave to recommend that said H. B. No. 73 be passed in the form hereto attached.

Respectfully submitted,

ISAACKS,  
COKER,

LYLE,  
BELL,

On the part of the House,

MOORE,  
HAZLEWOOD,  
WEINERT,  
VAN ZANDT,  
SHIVERS.

On the part of the Senate.

H. B. No. 73, A bill to be entitled "An Act amending Article 802 of the Penal Code of Texas, as amended by Acts of the Second Called Session of the Legislature in 1923, as amended by Acts of 1935, Forty-fourth Legislature, First Called Session, Chapter 424, as amended by the Acts of 1937, Forty-fifth Legislature, Chapter 60, providing that any person who drives or operates an automobile or other motor vehicle upon any public road or highway, or upon any street or alley within the limits of an incorporated city, town or village, while such person is intoxicated or under the influence of intoxicating liquor, shall be guilty of a misdemeanor, reducing the maximum penalty provided in said Article from a penitentiary offense to a fine or jail sentence, and increasing the minimum penalty thereof; and further amending the Penal Code of Texas by adding two new sections to be known as Articles 802-A and 802-B making the driving and operating of an automobile or other motor vehicle upon the public highways in this State, after a previous conviction of driving an automobile or other motor vehicle while intoxicated upon the public highways in this State, a felony, and prescribing a penalty for violation thereof, and by providing that if any person who shall drive or operate an automobile or other motor vehicle upon the public highways in this State while intoxicated, and while so driving and operating said automobile or other motor vehicle shall through accident or mistake do another act, which if voluntarily done would be a felony, shall receive punishment affixed to the felony actually committed; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 802 of the Penal Code of the State of Texas, as amended by Acts of the Legislature, Second Called Session in 1923, and as amended by Acts of 1935, Forty-fourth Legislature, First Called Ses-

sion, Chapter 424, page 1654, and as amended by Acts of 1937, Forty-fifth Legislature, Chapter 60, page 108, shall be and is amended so that hereafter same shall read as follows:

"Article 802. Any person who drives or operates an automobile or any other motor vehicle upon any public road or highway in this State, or upon any street or alley within the limits of an incorporated city, town or village, while such person is intoxicated or under the influence of intoxicating liquor, shall be guilty of a misdemeanor, and upon conviction, shall be punished by confinement in the County Jail for not less than ten (10) days nor more than two (2) years, or by a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or by both such fine and imprisonment."

Sec. 2. The Penal Code of Texas of 1925 is amended hereby by adding a new section to be known as Article 802-A and reading as follows:

"Article 802-A. Any person who has been convicted of the misdemeanor offense of driving or operating an automobile or other motor vehicle upon any public road or highway in this State or upon any street or alley within an incorporated city, town or village, while intoxicated or under the influence of intoxicating liquor, and who shall thereafter drive or operate an automobile or other motor vehicle upon any public road or highway in this State or upon any street or alley within the limits of an incorporated city, town or village, while such person is intoxicated or under the influence of intoxicating liquor, shall be guilty of a felony and upon conviction be punished by confinement in the penitentiary for any term of years not less than one nor more than five."

Sec. 3. The Penal Code of Texas of 1925 is amended hereby by adding a new section to be known as Article 802-B and reading as follows:

"Article 802-B. Any person who drives or operates an automobile or any other motor vehicle upon any public road or highway in this State, or upon any street or alley or any other place within the limits of an incorporated city, town or village, while such person is intoxicated or under the influence of intoxicating liquor, and while so driving and op-

erating such automobile or other motor vehicle shall through accident or mistake do another act which if voluntarily done would be a felony, shall receive the punishment affixed to the felony actually committed."

Sec. 4. The crowded condition of the calendar creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—26

Aikin	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Mauritz	York

Nays—3

Cotten	Martin
Kelley	

Absent—Excused

Beck	Spears
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Motion to Set House Bill 942 as Special Order

Senator Shivers moved that H. B. No. 942 be set for a special order for next Wednesday immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Chadick	Shivers
Hazlewood	Smith
Hill	Stone
Kelley	Van Zandt
Lovelady	Weinert
Metcalf	Winfield
Moffett	York
Ramsey	

Nays—14

Aikin	Lanning
Brownlee	Lemens
Cotten	Martin
Fain	Mauritz
Formby	Moore
Graves	Sulak
Isbell	Vick

Absent—Excused

Beck	Spears
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Senate Bill 175 on Second Reading

The President laid before the Senate as a special order for this hour on its second reading and passage to engrossment:

S. B. No. 175, A bill to be entitled "An Act declaring the floods of Fayette County, Texas, to be a public calamity; authorizing an adoption and grant to Fayette County of one-half of the State ad valorem taxes collected in Fayette County for flood control improvements and maintenance purposes, specifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing, in the event of the creation of a Flood Control District in said county, for the donation and grant by the State of one-half of the State ad valorem taxes collected in Fayette County to said Flood Control District instead of Fayette County for flood control improvement and maintenance purposes; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected; and declaring an emergency."

The bill was read second time.

The bill was passed to engrossment by the following vote:

Yeas—18

Brownlee	Metcalf
Fain	Moore
Hazlewood	Ramsey
Hill	Smith
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Mauritz	Weinert

Nays—10

Aikin	Formby
Cotten	Graves

Isbell  
Martin  
Moffett

Shivers  
Winfield  
York

Absent

Chadick

Absent—Excused

Beck

Spears

### Senate Bill 175 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 175 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Brownlee  
Chadick  
Cotten  
Fain  
Graves  
Hazlewood  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Lovelady  
Martin

Mauritz  
Metcalf  
Moffett  
Moore  
Shivers  
Smith  
Stone  
Sulak  
Van Zandt  
Vick  
Winfield  
York

Nays—2

Aikin

Formby

Absent

Ramsey

Weinert

Absent—Excused

Beck

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—15

Brownlee  
Fain  
Hazlewood  
Hill  
Kelley  
Lanning  
Lemens  
Lovelady

Mauritz  
Metcalf  
Moore  
Smith  
Stone  
Sulak  
Van Zandt

Nays—12

Aikin  
Chadick

Cotten  
Formby

Graves  
Isbell  
Martin  
Moffett

Shivers  
Vick  
Winfield  
York

Absent

Ramsey

Weinert

Absent—Excused

Beck

Spears

### Senate Bill 323 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 323 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 323, A bill to be entitled "An Act amending Section 2 of Chapter 148, of the General Laws passed by the Forty-second Legislature in its Regular Session in 1931, as amended by Section 2, of Chapter 15, of the General Laws passed by the Forty-fourth Legislature in its Regular Session of 1935; so as to authorize the issuance of bonds by any city and/or county for the purchase and/or improvement of land for park purposes; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### Senate Bill 323 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 323 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin  
Brownlee  
Chadick  
Cotten  
Fain  
Formby  
Graves  
Hazlewood  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Lovelady

Martin  
Mauritz  
Metcalf  
Moffett  
Moore  
Shivers  
Smith  
Stone  
Sulak  
Van Zandt  
Vick  
Winfield  
York



## Absent

Ramsey                      Weinert

Absent—Excused

Beck                              Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—18

Aikin	Lemens
Brownlee	Lovelady
Chadick	Mauritz
Fain	Metcalf
Formby	Stone
Graves	Van Zandt
Hazlewood	Vick
Kelley	Winfield
Lanning	York

## Nays—7

Cotten	Moore
Isbell	Shivers
Martin	Smith
Moffett	

## Absent

Hill                              Sulak  
Ramsey                      Weinert

Absent—Excused

Beck                              Spears

## Senate Bill 486 on Second Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 486 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Martin
Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

## Absent

Hill                              Weinert  
Ramsey

Absent—Excused

Beck                              Spears

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

On motion of Senator Kelley and by unanimous consent, it was ordered that the word "employees" be eliminated from the bill.

Senator Moore offered the following amendment to the bill:

Amend S. B. 486 by adding at the end of subsection (6) the following "provided that this shall apply only to those persons whose states grant the same privileges to citizens of Texas under like conditions."

Question—Shall the amendment be adopted?

On motion of Senator Metcalfe, the bill was tabled subject to call.

## Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 34, A bill to be entitled "An Act to provide for the appointment of Commissioners to the National Conference of Commissioners on Uniform State Laws; providing their term of office; defining their duties; and declaring an emergency."

H. B. No. 139, A bill to be entitled "An Act validating all zoning ordinances and amendments thereto heretofore passed by the legislative bodies of cities and incorporated villages pursuant to Chapter 283, Acts of the Fortieth Legislature and declaring such ordinances to be in full force and effect, insofar as the required procedure and public notices for the passages of such ordinances and the publication of such ordinances is concerned, as if passed in strict compliance with all the requirements of Chapter 283, Acts of the Fortieth Legislature and other applicable General Laws of the State of Texas and charter provisions; providing that this Act shall not apply to any proceedings in which the validity of the procedure for the passage

of such ordinances or the regularity of the publication of such ordinances has been contested or attacked in suit or litigation which is pending at the time this Act becomes a law; and declaring an emergency."

H. B. No. 341, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off as worthless and uncollectible Two Hundred Ninety-five Thousand Eight Hundred (\$295,800.00) Dollars in bonds issued by the Houston Tap and Brazoria Railway Company, which are held by the Treasurer in the account of the Permanent Free School Fund together with all claims and charges for or on account of interest thereon; directing that the bonds when cancelled shall be given into the custody of the State Librarian; and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off certain bonds issued in the name of the Houston and Texas Central Railway Company and the Washington County Railroad Company and certain bonds issued by the Buffalo Bayou, Brazos and Colorado Railway Company which were assumed by the Gulf, Harrisburg and San Antonio Railway Company, directing that such bonds when canceled shall be delivered to the companies which were obligated for their payment; authorizing and directing the transfer of certain sums from the Available School Fund to the State Permanent School Fund for the purpose of adjusting the accounts between said funds upon transactions relating to said bonds; and declaring an emergency."

H. B. No. 397, A bill to be entitled "An Act validating the order of the Commissioners' Court of Bowie County, Texas, which required the county tax assessor and collector to accept in full payment of all county taxes delinquent for the years 1932 and 1933, and due in 1934, the sum of fifty cents on the dollar; and instructing the State Comptroller to abide by the order of the said Commissioners' Court; and declaring an emergency."

H. B. No. 418, A bill to be entitled "An Act providing that in counties having a population of fifty thousand nine hundred and fifty (50,950) to fifty-one thousand one hundred (51,100), inclusive, according to the last preceding Federal Census, the commissioners' court shall annually set aside from all other county funds the road and bridge fund, which fund shall be budgeted into three (3) equal amounts and providing that the expenditures from said fund for any four month period of the fiscal year may not exceed one-third of the total annual budget; providing that nothing in this Act shall be construed as repealing or affecting the Uniform Budget Law, County Budgets, being Sections 10, 11, 12 and 13 of H. B. No. 768, Acts of 1931, Forty-second Legislature, page 339, Chapter 206; and declaring an emergency."

H. B. No. 476, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session, as amended by Chapter 28, Acts of the Forty-first Legislature, First Called Session, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, as amended by the following articles: — — ; and declaring an emergency."

H. B. No. 477, A bill to be entitled "An Act fixing the compensation for county commissioners in certain counties; providing the manner of payment and prescribing the funds from which it shall be paid; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act providing for compensation for county auditor and purchasing agent in certain counties; providing mode and manner of payment of such salary; and declaring an emergency."

H. B. No. 609, A bill to be entitled "An Act amending S. B. No. 367, Acts of the Forty-sixth Legislature, Regular Session, 1939, by eliminating from the provisions thereof all counties having a population of not less than three thousand, three hundred (3,300) and not more than three thousand, four hundred (3,400) according to the Federal Census of 1930; and declaring an emergency."

H. B. No. 683, A bill to be entitled "An Act providing that it shall be unlawful for any person to kill,

wound, shoot at, hurt or molest any wild animals, wild birds, or wild fowl found within the bounds of any public park under the control of the Texas State Parks Board, at any season of the year, providing a penalty; and authorizing any peace officer to arrest without warrant for a violation of any provision of this Act; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act amending Article 3955 and Article 3959, Title 63, of the Revised Civil Statutes of 1925, so as to provide for fire escapes for school houses of two or more stories in height; and declaring an emergency."

H. B. No. 751, A bill to be entitled "An Act repealing H. B. No. 430, Acts of the Regular Session of the Forty-sixth Legislature, same being Article 7466f, Vernon's Civil Statutes of Texas; and declaring an emergency."

H. B. No. 752, A bill to be entitled "An Act providing for the annexation of territory not embraced in a water improvement district; prescribing the manner of such annexation; providing for filing of petition for annexation, notice and hearing thereon; providing that annexation shall not become final until ratified at separate elections held for that purpose; prescribing the manner of holding said elections, and the vote required for ratification; providing that upon a favorable vote the added territory shall be and become a part of the district as of the date of elections and subject to all laws governing such district, and shall bear its pro rata part of all indebtedness or taxes that may be owed, contracted, or authorized by said district to which it shall have been added; providing that such addition shall not affect the officers, employees and affairs of such district, and that voters of such added territory shall have right to participate in all matters of the district considered or voted upon thereafter; providing that the provisions of the Act shall be cumulative of and in addition to all other laws providing for the addition of territory to water improvement districts; and declaring an emergency."

H. B. No. 876, A bill to be entitled "An Act repealing Article 500 of the Revised Statutes of Texas, 1925."

H. B. No. 878, A bill to be entitled "An Act amending Article 502 of the

Revised Statutes of Texas, 1925, providing the method of conversion of State banking corporations into National banking corporations, and validating purported conversions of National banking corporations under prior law; and declaring an emergency."

H. B. No. 953, A bill to be entitled "An Act amending Chapter 76, passed at the First Called Session of the Forty-third Legislature; and declaring an emergency."

H. B. No. 961, A bill to be entitled "An Act applicable to and controlling all counties of this State having a population of more than three hundred and ninety thousand (390,000) inhabitants and less than five hundred thousand (500,000) inhabitants according to the last preceding Federal Census; conferring upon the commissioners' court of such counties full power, authority and supervision of all public roads therein, other than State highways, and prescribing the rights, powers and duties of said court over such public roads, etc; providing a savings clause and a repealing clause; and declaring an emergency."

H. B. No. 981, A bill to be entitled "An Act permitting estates of deceased Texas citizens, and others being administered within its jurisdiction, to take advantage of savings in Federal income taxes, authorized under Section 162 of the Federal Internal Revenue Code, by providing that where the estate of a deceased person is being administered under the direction, control and orders of a county court in the exercise of its probate jurisdiction, upon the application of the executor or administrator of said estate, or any interested party, after notice thereof as provided for in Sections 6 and 7 of H. B. No. 112, Chapter 446 of the Forty-fourth Legislature, Second Called Session, 1935, relating to notices of applications filed under the provisions of said H. B. No. 112, and when it appears, from the evidence introduced at the hearing of said application, and the court finds that the reasonable market value of the assets of the estate then on hand, exclusive of the annual income therefrom, is at least twice the aggregate amount of all unpaid debts, administration expenses and legacies, and not creditors or legatees of the estate

then appearing and objecting, the county court may order and direct the executor or administrator to pay to, or credit to the account of those persons who the court finds will own the assets of the estate, when the administration thereon is completed, and in the same proportions, such part of the annual net income, received by or accruing to said estate, as the court may believe and find can be paid conveniently to, or credited to the account of, such owners, without prejudice to the rights of creditors, legatees, or other interested parties, and providing that nothing contained in said Act shall authorize the county court to order paid to, or credited to the account of, such owners of the estate any part of the corpus or principal thereof, and providing that, for the purposes of said Act, bonuses, rentals and royalties received for or from an oil, gas and mineral lease shall be treated and regarded as income and not corpus or principal; and declaring an emergency."

H. B. No. 994, A bill to be entitled "An Act authorizing the county judges and county and district clerks to employ a stenographer or a secretary in any counties having a population of not less than two thousand, eight hundred twenty-five (2,825) and not more than two thousand nine hundred, (2,900) and in counties having not less than six thousand one hundred (6,100) and not more than six thousand, one hundred fifty (6,150) inhabitants according to the last preceding Federal census; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

H. B. No. 999, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Nacogdoches County any wild fox or the pelts thereof; providing that this law shall be enforced for a period of two (2) years; prescribing a penalty for the violation of this Act; and repealing all laws in conflict; and declaring an emergency."

H. B. No. 1010, A bill to be entitled "An Act amending Section 1 of H. B. No. 313, Acts of the Fortieth Legislature, 1927, to change and prescribe the time for holding the terms of district courts in the 47th judicial

district; and providing for an emergency."

H. B. No. 1016, A bill to be entitled "An Act to amend Sections 1, 5, 6, 7, and 8 of S. B. No. 47, Acts Forty-fifth Legislature, Regular Session, carrying into effect, Section 46a of Article III of the Constitution of the State of Texas which established a Teacher Retirement System of Texas; by defining words and phrases used in the Act; providing for the creation, management and distribution of the Teacher Savings Fund, the State Membership Accumulation Fund, the Membership Annuity Reserve Fund, the Interest Fund, the Permanent Retirement Fund, the Expense Fund, and the Prior Service Annuity Reserve Fund of said system; providing for retirement of members and the method and manner of computing and paying retirement benefits and return of contributions; providing the method of financing said system; and declaring an emergency."

S. B. No. 301, A bill to be entitled "An Act to regulate 'transportation agents,' who sell or offer for sale transportation or who make an contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, where such transportation is furnished or to be furnished or offered for a consideration paid or to be paid by the person or persons to be transported, and where such transportation is furnished or to be furnished or offered by any persons, firm, or corporation, including lessee, trustee, and receiver, transporting or offering to transport persons for compensation, without being authorized so to operate as required by law, and not required by law to be so authorized; to require such transportation agents to have a license; defining certain terms, providing for the issuance, also the cancellation, of such license by the Railroad Commission of Texas; requiring a bond; providing that the Railroad Commission of Texas may make reasonable rules and regulations applicable to all persons holding transportation agent's license; providing for hearings, and for reviews of orders of the Railroad Commission fixing a tax; providing penalties; and declaring an emergency."

S. B. No. 472, A bill to be entitled "An Act creating and establishing Erath County Road District No. 4 in

Erath County, Texas, under Article III, Section 52 of the Constitution of Texas; for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds (2/3) vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the commissioners' court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the district hereby created is also included in other road districts having outstanding bonds shall not affect the district hereby created or its powers hereby granted; determining that all of the lands in said district shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

S. B. No. 473, A bill to be entitled "An Act creating and establishing Erath County Road District No. 5 in Erath County, Texas, under Article III, Section 52, of the Constitution of Texas, for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds (2/3) vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the

district; providing that in awarding contracts for road construction the commissioners' court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the district hereby created is also included in another road district having outstanding bonds shall not affect the district hereby created or its powers hereby granted; determining that all of the lands in said district shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

S. C. R. No. 62, Authorizing a loan of guard wire to Carney Independent School District.

H. C. R. No. 151, Inviting Hon. Claude Pepper to address a joint session of the House and Senate, at his convenience.

H. C. R. No. 161, Authorizing the Enrolling Clerk of the House to make certain changes in caption of H. B. No. 1016.

H. C. R. No. 162, Authorizing Enrolling Clerk to correct the caption of H. B. No. 440 to conform to body of the bill.

H. C. R. No. 169, Granting each House the privilege of adjourning from Thursday, May 22, to Monday, May 26.

H. B. No. 94, A bill to be entitled "An Act to amend Section 2, Chapter 446, page 1049, Forty-fifth Legislature, Regular Session 1937, pertaining to the issuance of a warrant of arrest in judicial proceedings in lunacy cases, form and requisites thereof and return to the county judge whereby the sheriff or constable executing said warrant with the consent of the superintendent of any State hospital may place said person in a place especially provided therefor at such hospital to be remanded to the sheriff or constable to be taken before the county judge; and declaring an emergency."

H. B. No. 285, A bill to be entitled "An Act amending Section 9, Chapter 15, General Laws, Forty-first Legislature, Second Called Session, to provide that any person violating any of the provisions of this Act may be

prosecuted therefor in any county of this State where such violation occurs; and declaring an emergency."

H. B. No. 356, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 405, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session, Forty-third Legislature, by adding a new Section to be known as Section 3-a, to provide that the directors of the authority who shall be appointed subsequent to the effective date of this Act shall be residents of counties through which the Colorado River flows or which are adjacent to the Colorado; and declaring an emergency."

H. B. No. 440, A bill to be entitled "An Act to make it unlawful to shoot, kill, maim, injure, molest, entrap, or detain an Antwerp messenger or homing pigeon, commonly called a 'carrier pigeon,' and to provide a penalty for the violation thereof."

H. B. No. 514, A bill to be entitled "An Act repealing Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the Forty-fourth Legislature, as amended by S. B. No. 24, Chapter 5, Acts of the Forty-sixth Legislature; and declaring an emergency."

H. B. No. 608, A bill to be entitled "An Act amending H. B. No. 438, Acts of the Regular Session, Forty-sixth Legislature, 1939, by eliminating from the provisions thereof counties having a population of not less than seven thousand seven hundred (7,700) and not more than seven thousand eight hundred (7,800) according to the Federal Census of 1930; and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act amending Article 7212, Revised Civil Statutes of Texas, 1925, providing that when the commissioners' court shall contract with an individual, firm, or corporation for the compilation of taxation data, the compensation of such individual, firm, or corporation shall be paid on a pro rata basis from each fund benefiting

by the receipt of any taxes derived from such valuation; and declaring an emergency."

H. B. No. 750, A bill to be entitled "An Act amending Chapter 39, Acts of the Forty-fourth Legislature, by adding thereto Section 3, providing that the authority conferred on the court to alter, change, or supersede the provisions of judgments providing for the support of minor children, and the authority conferred upon the court to enforce such judgments may be exercised by the judge of said court in vacation; and declaring an emergency."

H. B. No. 880, A bill to be entitled "An Act providing for the preservation of bank examiners' reports and correspondence files and for the preservation of the books, records and files of insolvent banks, and further providing for the destruction of such reports and correspondence and sale or destruction of such books, records and files of insolvent banks; and declaring an emergency."

H. B. No. 889, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

H. B. No. 921, A bill to be entitled "An Act to declare a closed season on the killing of deer, dove and quail in Culberson County, and the killing of quail and dove in Hudspeth County for a period ending February 1, 1945; prescribing a penalty therefor; and declaring an emergency."

H. B. No. 1001, A bill to be entitled "An Act authorizing independent school district in counties having a population of not less than one hundred and three thousand (103,000), and not more than one hundred and nine thousand (109,000), according to the last preceding Federal Census, etc.; and declaring an emergency."

H. B. No. 1004, A bill to be entitled "An Act providing in all counties having a population of not less than twenty-nine thousand, two hundred and forty (29,240) and not more than twenty-nine thousand, two hundred and fifty (29,250), according to the

last preceding or any future United State Federal Census, there shall be imposed upon all male persons who do not reside in an incorporated city, town, or village the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May 1st of each year the sum of Three (\$3.00) Dollars; providing for the summoning of persons in said counties for work on the public roads, said summons when issued shall compel the persons to be given notice one full day before they are to report after summons for road duty; fixing age bracket for persons to be summoned; and declaring an emergency."

H. B. No. 1008, A bill to be entitled "An Act relating to the payment to the county judges in counties of not less than seven thousand and fifty (7,050) and not more than seven thousand and seventy-five (7,075) population, according to the last preceding Federal Census, a compensation for the service of such county judges as budget officers of the counties; pro-

viding for the payment of such compensation out of the general fund and/or officers' salary fund of such counties in addition to any and all compensation now provided by law to be paid such county judges; repealing all laws or parts of laws, special and general, in conflict or inconsistent with the provisions of this Act; providing effective date of this Act; and declaring an emergency."

H. B. No. 1023, A bill to be entitled "An Act exempting Truscott Independent School District of Knox County from county supervision, providing for a separate depository; and declaring an emergency."

H. C. R. No. 157, Suspending joint rules for purpose of considering H. B. No. 268 on Wednesday, May 21, 1941.

H. C. R. No. 159, Authorizing the Board of Control to lease to the City of Austin certain land.

#### Recess

On motion of Senator Lemens, the Senate, at 12:55 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

**In Memory of**  
**Judge June C. Harris**

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Senator Brownlee offered the following resolution:

(Senate Resolution No. 151)

Whereas, The Bench and Bar of Texas has lost one of its best beloved and most illustrious members, in the passing of Judge June C. Harris, a distinguished lawyer of Austin, Texas, on Sunday, May 25, 1941; and

Whereas, Judge Harris for many years rendered a notable public service to the people of Texas as the State's Attorney, for the Legislature, and as a member of the Commission on Recodification of State Laws under the administration of Honorable Pat M. Neff, and for more than fifty years was a member of the State Bar of Texas, in Nacogdoches, and since 1925 in Austin, Texas, and was a credit to himself and an honor to his state and nation; and

Whereas, Judge Harris was recognized by all who knew him as a capable lawyer, and as an authority on land titles in Texas, and as a man possessed of a lovable and admirable personality and splendid traits of character; and as an irreplaceable friend to scores of young lawyers who were privileged to know him; and

Whereas, In the passing of this distinguished and lovable gentleman, his state and community has suffered the loss of a beautiful and shining character and faithful public servant, and a true, honorable and loyal citizen and friend; now, therefore, be it

Resolved by the Senate of Texas, That it acknowledge with deep regret the passing of this fine gentleman and citizen of Texas, and that a copy of this resolution be spread upon the memorial pages of the Senate Journal of the day as a token of the love and esteem in which he was held; and, be it further

Resolved, That the Secretary of the Senate send the family of the deceased a copy of this resolution under its seal, and that when the Senate adjourns today, it do so in honor of a man whose name shall live long in the affection of his friends and sorrowing family.

The resolution was read and was adopted unanimously.



## SIXTY-NINTH DAY

Continued

(Tuesday, May 27, 1941)

The Senate met at 10:00 o'clock a. m., and was called to order by the President.

## Leave of Absence Granted

Senator Winfield was granted leave of absence for today on account of important business, on motion of Senator Shivers.

## Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

May 26, 1941.

To The Members of the Forty-seventh Legislature:

On April 30th I sent you a message advising that an emergency had arisen in the old age pension division of the Department of Public Welfare which would cause the old age pension checks to be cut during the months of May, June, July and August of this year, unless some action was taken by the Legislature immediately. I stated in that message the amounts of money that would be needed to prevent these cuts in the pension checks. I sent you another emergency on May 19, 1941.

To date no provision has been made by the Legislature to make the appropriations which I recommended, and as a result it is now too late to prevent the \$3.00 cut in the pension checks for the month of May of this year. This cut will cause untold hardships, and suffering, on the part of many of these old age pension recipients. It is not only a cut of \$3.00, but it is a \$3.00 cut in addition to the \$4.00 cut which they had already taken; therefore, the May checks to all old age pension recipients were \$7.00 less than the amount due each one of them.

In view of this serious situation may I again urge that you give immediate attention to this matter, and I recommend that you make the appropriation for the full amount which I suggested in my message to you on April 30th, which amount is \$1,028,000. By making this full appropriation, the June checks can be

made to compensate for the loss in the May checks.

There has been some discussion about an \$800,000 suspense fund in the treasury, and the Department of Public Welfare has asked the Attorney General for a ruling on the availability of this money for old age pensions, and the ruling states that this \$800,000 in the suspense account belongs to the General Fund and cannot be used for old age assistance without new legislative authorization.

Therefore, I suggest that legislation be enacted placing this \$800,000 in the old age assistance fund immediately, and a new additional appropriation of \$228,000 will make up the needed \$1,028,000.

There is also a provision in House Bill No. 8 which limits the total payments to old age assistance to \$1,000,000 per month up until September. This provision should be immediately eliminated by statute, so these old age pension recipients can receive the full amounts due them during June, July and August. This limitation of \$1,000,000 per month in House Bill No. 8 is raised to \$1,750,000 per month effective September 1st, 1941.

I am attaching a bill which will make these corrections, and also correct the joker in House Bill No. 8 about which I sent you a message on May 20th. I am submitting this as emergency legislation, and trust you will give it your immediate consideration.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

## Reports of Standing Committee

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
May 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 887, A bill to be entitled "An Act amending Sections 2, 5, and 10 of Chapter 506, Acts 1937, Forty-fifth Legislature, page 1494-a, as amended by H. B. No. 565, Section 1, Acts 1939, Forty-sixth Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be mimeographed.

WEINERT, Chairman.

Austin, Texas,  
May 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 968, A bill to be entitled "An Act creating a special road law for Burnet County, Texas; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

### Senate Resolution 152

Senator Sulak, by unanimous consent, offered the following resolution at this time:

Whereas, S. B. No. 453 has passed the Senate and is now in the House; and

Whereas, It is deemed desirable to make certain changes in said bill; therefore, be it

Resolved, by the Senate, That the House be requested to return said S. B. No. 453 to the Senate for further consideration.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

### Message from the House

A Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on H. B. No. 1052 by a vote of 120 ayes 0 noes.

The House has adopted the Conference Committee Report on H. B. No. 73 by a vote of 113 ayes 5 noes.

The House has adopted the Conference Committee Report on S. B. No. 470 by a vote of 117 ayes 10 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

### Senate Bill 458 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 458 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 458, A bill to be entitled "An Act making an appropriation, in addition to several sums of money appropriated for such purposes by H. B. No. 271 of the Forty-seventh Legislature for law books, for the Courts of Civil Appeals of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943, and making such appropriations subject to the rules and restrictions respecting expenditure of appropriations in H. B. No. 271; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following (committee) amendment to the bill:

(1)

Amend S. B. No. 458 by making a new section to be known as Section 1a and reading as follows:

"Section 1a. There is hereby appropriated the sum of \$1,083.32, or so much thereof as may be necessary, to pay the salary of Walter Monteith as Commissioner of the Court of Civil Appeals, First District, Galveston, Texas, for the period from November 1, 1938, through December 31, 1938."

Amend the caption accordingly.

The (committee) amendment was adopted.

The bill was passed to engrossment.

### Senate Bill 458 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 458 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Graves
Beck	Hazlewood
Brownlee	Hill
Chadick	Isbell
Cotten	Kelley
Fain	Lanning
Formby	Lemens

Lovelady	Smith
Martin	Stone
Mauritz	Sulak
Metcalf	Van Zandt
Moffett	Vick
Moore	Weinert
Ramsey	York
Shivers	

Absent—Excused

Spears Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York
Lovelady	

Absent—Excused

Spears Winfield

## Senate Bill 459 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 459 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 459, A bill to be entitled "An Act making an emergency appropriation out of the General Fund of the State of Texas to the Secretary of State for the purpose of printing and mailing supplemental franchise tax forms; making same immediately available; providing for reversion of all unexpended funds on August 31, 1941; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following (committee) amendment to the bill:

Amend S. B. No. 459 by adding at the end of Section 1 the following:

"To the Industrial Accident Board, postage, \$1,000.00."

Amend the caption accordingly.

The amendment was adopted.

The bill was passed to engrossment.

## Senate Bill 459 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 459 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York
Lovelady	

Absent—Excused

Spears Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Chadick	Mauritz
Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt

Vick  
Weinert

York

Absent—Excused

Spears

Winfield

### House Bill 997 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 997 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 997, A bill to be entitled "An Act appropriating One Thousand (\$1,000.00) Dollars for the Commission of Appeals to the Court of Criminal Appeals; and declaring an emergency."

The bill was read second time and was passed to third reading.

### House Bill 997 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 997 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York
Lovelady	

Absent—Excused

Spears

Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Brownlee
Beck	Chadick

Cotten

Fain

Formby

Graves

Hazlewood

Hill

Isbell

Kelley

Lanning

Lemens

Lovelady

Martin

Mauritz

Metcalf

Moffett

Moore

Ramsey

Shivers

Smith

Stone

Sulak

Van Zandt

Vick

Weinert

York

Absent—Excused

Spears

Winfield

### Senate Bill 488 on First Reading

Senator Kelley moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York
Lovelady	

Absent—Excused

Spears

Winfield

The following bill then was introduced, read first time and referred to the Committee on Towns and City Corporations:

By Senator Kelley:

S. B. No. 488, A bill to be entitled "An Act providing that any water improvement district heretofore organized under the provisions of Section 52 of Article 3 of the State Constitution which has heretofore been or which may hereafter be converted into a water control and improvement district, may be and become again converted into a water improvement district, setting out the manner and method of such conversion; and declaring an emergency."

## Senate Bill 489 on First Reading

Senator Mauritz moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York
Lovelady	

Absent—Excused

Spears

Winfield

The following bill then was introduced, read first time and referred to the Committee on State Affairs:

By Senator Mauritz:

S. B. No. 489, A bill to be entitled "An Act declaring the floods of Jackson County, Texas, to be a public calamity; authorizing a donation and grant to Jackson County Flood Control District of one-half ( $\frac{1}{2}$ ) of the State ad valorem taxes collected in Jackson County for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing the procedure hereunder for all matter relating to said donation; making the Act cumulative of existing laws; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected; repealing all laws in conflict; and declaring an emergency."

## House Bill 594 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 594 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 594, A bill to be entitled "An Act making an appropriation out of the General Revenue of the State of Texas for the Secretary of State, for the purpose of compiling, editing, indexing, binding, and distributing the current laws; making the same immediately available; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 594 by adding thereto a new Section to be known as Section 2a, and reading as follows:

"Section 2a. Such laws shall be indexed, compiled and published in substantially the same form as used prior to publication of the Acts of the Forty-sixth Legislature and especially shall each such law be given a different Chapter number and such Chapters shall be numbered consecutively."

Amend the caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

## House Bill 594 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 594 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York
Lovelady	

Absent—Excused

Spears

Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning-	Weinert
Lemens	York
Lovelady	

Absent—Excused

Spears Winfield

#### Reports of Standing Committees

Senator Moore, by unanimous consent, submitted at this time the following reports:

Committee Room,  
Austin, Texas,  
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 42, A bill to be entitled "An Act to further the general welfare and governmental economy and to bring about increased efficiency in the service of all State departments, agencies, and institutions by providing a unified, comprehensive code of procedures for financial administration, including financial planning and budgeting, etc.; and declaring an emergency and the time of going into effect."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute hereto attached do pass in lieu of the original bill and that the committee substitute only be printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas,  
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 821, A bill to be entitled "An Act amending Article 4477 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Section 3 of S. B. No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, as amended by S. B. No. 20, Chapter 4, page 7, Acts of the Forty-first Legislature, First Called Session, relative to the registration of births and deaths; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass but that committee amendments 1 and 2 hereto attached do pass in lieu of the original bill and that committee amendments 1 and 2 only be printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas,  
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 481, A bill to be entitled "An Act providing that the Galveston State Psychopathic Hospital shall be operated under the control and management of the Board of Regents of the University of Texas in conjunction with the medical branch of the University of Texas located at Galveston; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas,  
May 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 361, A bill to be entitled "An Act declaring the floods of La-

vaca County, Texas, to be a public calamity; authorizing a donation and grant to Lavaca County Flood Control District of one-half of the State ad valorem taxes collected in Lavaca County for flood control improvement and maintenance purposes, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senator Hill, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
May 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 488, A bill to be entitled "An Act providing that any Water Improvement District heretofore organized under the provisions of Section 52 of Article 3 of the State Constitution which has heretofore been or which may hereafter be converted into a Water Control and Improvement District may be and become again converted into a Water Improvement District, setting out the manner and method of such conversion; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be mimeographed.

HILL, Chairman.

#### Appointment of Special Committee

The President announced the appointment of the following committee on the part of the Senate to escort Hon. Claude Pepper to the Speaker's rostrum at the joint session to be held in the Hall of the House of Representatives today:

Senators Isbell, Shivers, Lovelady, Hazlewood and Brownlee.

#### Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 175, Providing for the taking effect immediately of H. B. No. 518.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Bills Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 465, A bill to be entitled "An Act providing that in all counties in the State of Texas having a county court at law for civil or criminal cases, the judge of such county court at law shall, in all cases of disqualification, inability or absence of the county judge, preside in place of the county judge in all probate proceedings, and shall preside over the juvenile court and the lunacy court of such county; and declaring an emergency."

H. B. No. 832, A bill to be entitled "An Act amending Article 2370, Revised Civil Statutes of Texas, 1925, by providing that the commissioners' court of any county may, when necessary, furnish suitable quarters, other than the courthouse, for holding court and carrying on other public business and may rent such part of any such quarters not necessary for public use; etc.; and declaring an emergency."

H. B. No. 952, A bill to be entitled "An Act providing for the use of certain set nets or grill nets in the waters of Montgomery County; specifying conditions under which such nets may be used; providing a penalty; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 1052, A bill to be entitled "An Act applicable to water improvement districts deriving their powers from Article XVI, Section 59,

Constitution of Texas, in which there may be located a United States military camp or base; defining the word 'district'; authorizing such districts to issue negotiable revenue bonds in an amount not to exceed One Hundred Thousand (\$100,000) Dollars par value without the necessity of an election to provide funds for constructing or otherwise acquiring filtration and pumping equipment, pipe lines, and all other facilities for supplying water to military camps or bases, etc.; and declaring an emergency."

H. B. No. 351, A bill to be entitled "An Act providing for the creation of a class of common carrier motor carriers to be known as 'specialized motor carriers' by amending Section 1, Chapter 314, Acts 1929, Forty-first Legislature, Regular Session, page 698, as amended by Section 1, Chapter 277, Acts 1931, Forty-second Legislature, Regular Session, page 480, by adding Subsection (i), defining 'specialized motor carriers,' Subsection (j), defining 'special facilities' and Subsection (k), defining 'special motor vehicles'; amending Section 5, Chapter 814, Acts 1929, Forty-first Legislature, Regular Session, page 698, as amended by Section 5, Chapter 277, Acts 1931, Forty-second Legislature, Regular Session, page 480, by adding Subsection 5 (a), providing for the issuance of 'specialized motor carriers' of certificates of public convenience and necessity by the Railroad Commission, providing that no 'specialized motor carriers' shall operate over highways of this State without first having obtained a certificate of public convenience and necessity, and providing for the sale, assignment, lease, transfer and inheritance of such certificates; etc."

H. B. No. 930, A bill to be entitled "An Act making certain emergency appropriations for the Adjutant General's Department incident to the support of the Texas Defense Guard; and declaring an emergency."

H. B. No. 136, A bill to be entitled "An Act to promote, encourage, increase, and stimulate the use and sale of rice; to promote the prosperity and welfare of rice growers and producers in the State of Texas through the conducting of a publicity, sales promotion and development campaign; to conduct research

in and develop new uses for rice and rice products, etc.; and declaring an emergency."

H. B. No. 768, A bill to be entitled "An Act relating to the subject of bonds, notes and warrants heretofore issued by the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Regents of the Texas State College for Women, and the Board of Directors of the Texas College of Arts and Industries, under Chapter 5, Acts of the Second Called Session of the Forty-third Legislature and amendments thereto, and all other relating thereto, etc.; and declaring an emergency."

H. B. No. 948, A bill to be entitled "An Act creating Eolian Common School District No. 4 wholly established in Stephens County, Texas, including therein the present Eolian Common School District, and certain territory in Stephens County not now a part of said district, defining its metes and bounds within Stephens County and repealing all laws and statutes in conflict herewith; and declaring an emergency."

H. B. No. 1003, A bill to be entitled "An Act amending Article 8221 of the Revised Civil Statutes of Texas of 1925 so as to provide that in any county with not less than one hundred and thirty-five thousand (135,000) population and not more than one hundred and ninety thousand (190,000) population, according to the last Federal Census, the county treasurer, for acting as treasurer of a navigation district, shall receive from such district, as compensation for his services, a salary of Fifty (\$50.00) Dollars per month, and the premium on the official bond of the county treasurer shall be paid by the said navigation and canal commissioners; and declaring an emergency."

H. B. No. 1039, A bill to be entitled "An Act defining and limiting the term 'intrastate business' as used in Article XIV, Section 1 (a) of H. B. No. 8, Acts of the Regular Session, Forty-seventh Legislature; and declaring an emergency."



## Senate Bill 268 on Second Reading

The President laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 268, A bill to be entitled "An Act authorizing the State Board of Control to construct, furnish, equip, operate and maintain a building and to purchase a site therefor, to be leased to the State of Texas and its various agencies, departments and bureaus, now existing or hereafter created, whether partly or wholly supported by the State of Texas, for office purposes, and any part of said building not presently needed for use by the State to be leased to other tenants, authorizing the State Board of Control to issue bonds payable solely from the rentals to be derived from said leases for the purpose of paying the cost of such construction, furnishing and equipment and site, authorizing the State Board of Control to enter into covenants and agreements in that connection, providing remedies in the event of a default in the payment of said bonds, providing that such bonds shall be legal investments for specified institutions and funds in the State of Texas and shall be eligible to secure the deposit of public funds in the State of Texas, exempting such bonds from taxation; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

(Senator Shivers in the Chair.)

## Presentation to Lieutenant Governor Stevenson

Senator Lovelady, having been recognized by the Presiding Officer of the Senate (Senator Shivers in the Chair), presented to Lieutenant Governor Stevenson, on behalf of the Members of the Senate, a matched set of seven Kaywoodie pipes.

Lieutenant Governor Stevenson expressed his appreciation to the Members of the Senate for the gift.

## Senate Resolution 153

Senator Mauritz, by unanimous consent, offered at this time the following resolution:

Whereas, The Senate has learned of the unfortunate and serious illness

which has confined Mrs. Olan R. Van Zandt, the wife of our distinguished colleague, the Honorable Olan R. Van Zandt, to Seton Infirmary; now, therefore, be it

Resolved, That the Senate of Texas regrets Mrs. Van Zandt's illness and extends sympathy to her and to her family, and wishes for her a speedy and complete recovery; and, be it further

Resolved, That flowers, bearing the card of the Senate, be sent to Mrs. Van Zandt.

MAURITZ.

Signed — Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Ramsey, Shivers, Smith, Spears, Stone, Sulak, Vick, Weinert, Winfield and York.

The resolution was read.

On motion of Senator Moffett and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.

## Senate Bill 268 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 268, relative to the construction of a State building, on its passage to engrossment.

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 268 by inserting at the beginning of Section 1, on page 1, immediately after the figure "1", the following: "A board to be composed of the Governor of Texas, the Lieutenant Governor of Texas, and the members of"

Senator Isbell offered the following substitute for the amendment:

Amend S. B. No. 268 by adding the following to be Section 1-A, as follows:

There is hereby created a Joint Legislative Committee composed of three (3) members from the Senate, to be appointed by the Lieutenant Governor, and three (3) members from the House of Representatives, to be appointed by the Speaker of the House.

This Joint Legislative Committee shall approve all contracts for and

incident to the building of said office building and also all contracts for the purchase of sites for said building and shall approve all contracts for the employment of architects and engineers. The Board of Control is hereby directed that when they advertise for bids they shall submit to said Joint Legislative Committee their recommendations, after which said Joint Legislative Committee shall approve or reject any bids so submitted by the Board of Control incident to said office building or the purchase of sites.

Said Joint Legislative Committee shall from time to time inspect or cause to be inspected any sites considered or shall inspect or cause to be inspected said building during the course of its construction.

Members of said committee shall receive their necessary expenses in carrying out the duties herein imposed on said committee.

The substitute was adopted.

Question—Shall the amendment as substituted be adopted?

(Senator Van Zandt in the Chair.)

#### Joint Session

At 11:25 o'clock a. m., the Presiding Officer (Senator Van Zandt in the Chair) announced the approach of the hour for the joint session to be held today pursuant to H. C. R. No. 151, to hear an address by Hon. Claude Pepper, United States Senator from Florida.

Accordingly the Senate repaired to the Hall of the House of Representatives, and the two Houses assembled in joint session at 11:30 o'clock a. m.

The presence of a quorum of each House was duly ascertained and announced by President Stevenson of the Senate and by the Speaker of the House.

United States Senator Claude Pepper of the State of Florida and his party, accompanied by Governor W. Lee O'Daniel, were announced at the bar of the House and were escorted to the Speaker's rostrum by Senators Isbell, Shivers, Lovelady, Hazlewood and Brownlee on the part of the Senate and by Representatives Morris, Taylor, Stanford, Carrington and Reed of Dallas on the part of the House.

Speaker Leonard presented Representative Morris, who introduced Senator Pepper to the joint session.

Senator Pepper then addressed the joint session.

At the conclusion of the address, the Senate retired to the Senate Chamber.

#### In the Senate

The Presiding Officer of the Senate (Senator Shivers in the Chair) called the Senate to order at 12:35 o'clock p. m.

#### Senate Bill 490 on First Reading

The following bill, submitted as an emergency matter by the Governor, was laid before the Senate, read first time and referred to the Committee on Finance:

By Senators Isbell, Sulak, Fain, Smith and Lovelady.

S. B. No. 490, A bill to be entitled "An Act to amend Section 4 of Article XVIII of H. B. No. 8, Acts of the Forty-seventh Legislature, Regular Session, to provide for the allocation of funds collected under Article XVIII of H. B. No. 8, Acts of the Forty-seventh Legislature, Regular Session, and to provide for the transfer and allocation of revenue previously collected and now held in suspense by the Insurance Commission, preparatory to distribution to certain funds; amending Section 2, Article XX of H. B. No. 8, Acts of the Forty-seventh Legislature, Regular Session, providing for the allocation and transfer of certain funds; providing for \$1,750,000.00 for old-age assistance for each month of the fiscal year ending August 31, 1941 and appropriating, transferring and crediting to the Old-Age Assistance Fund \$1,750,000.00 monthly; providing for the transfer, allocation, appropriation and crediting of funds ordinarily allocated to the General Revenue Fund for old-age assistance; and declaring an emergency."

#### Recess

On motion of Senator Weinert, the Senate, at 12:40 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

## SIXTY-NINTH DAY

## Continued

(Wednesday, May 28, 1941)

The Senate met at 10:00 o'clock a. m., and was called to order by the President.

## Leave of Absence Granted

Senator Winfield was granted leave of absence for today on account of important business, on motion of Senator Formby.

## Message from the House

A Clerk of the House was announced and was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 28, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 177 suspending the joint rules in order that the House may consider H. B. No. 268 on Wednesday or Thursday, May 28 or 29, 1941.

H. C. R. No. 180 suspending the joint rules in order that the Senate may consider S. B. No. 488 and S. B. No. 486 on House Bill Day.

H. C. R. No. 181 suspending the joint rules in order that the House may consider H. J. R. No. 33.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

## Reports of Standing Committee

Senator Moore, by unanimous consent, submitted at this time the following reports:

Committee Room,  
Austin, Texas,  
May 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 489, A bill to be entitled "An Act declaring the floods of Jackson County, Texas, to be a public calamity; authorizing a donation and grant to Jackson County Flood Control District of one-half of the

State ad valorem taxes collected in Jackson County for flood control improvement and maintenance purposes, etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas,  
May 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 116, Granting N. D. Lenamond permission to bring suit against the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas,  
May 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 117, Granting William Trakas permission to bring suit against the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas,  
May 27, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 133, Granting W. L. Priddy permission to bring suit against the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be not printed.

MOORE, Chairman.